

Recent Mental Health Legislation: 2022-2023

Illinois Association of Problem Solving Courts
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1

Person with mental illnesses in the criminal justice system

- Public Act 102-1041—Changes to “problem solving” court statutes.
- Public Act 102-0756—Creates “co-responder” pilot programs in East St. Louis, Springfield, Peoria and Waukegan to send mental health professionals to accompany law enforcement on mental health calls.
- Public Act 103-0382. Creates a statewide PTSD coordinator to provide mental health services to law enforcement officers.

2

2

Criminal Justice (continued)

- Public Act 102-1118--Changes to laws governing unfit defendants and persons found not guilty by reason of insanity, including:
 - person found unfit to stand trial on misdemeanor charges will presumptively be restored to treatment in the community
 - eliminates statutory deadline for admitting unfit defendants to inpatient psychiatric facilities
 - requires “discharge hearings” for unfit defendants to be held more promptly
 - allows persons found unfit to stand trial or not guilty by reason of insanity to be placed in Specialized Mental Health Rehabilitation Facilities

3

3

Pre-trial Reform

(Public Act 101-652)

- Part of 750-page criminal justice reform bill
- Abolishes monetary bail—725 ILCS 5/110-1,5
- Make pre-trial release the presumptive option subject to a determination that the defendant “presents a real and present threat to the safety of any person or persons or the community” and is charged with one of approximately 40 offenses. 725 ILCS 5/110-2
- Allows courts to take into account the defendant’s mental health in determining her/his dangerousness
- Requires release if conditions (including treatment for mental illness) would render the defendant safe to release

4

Anti-Discrimination Laws

- Public Act 102-896. Amends the Human Rights Act to prohibit housing discrimination based upon source of income.
- Public Act 103-0150. “Civil Rights Remedies Restoration Act” reverses decision in *Cumings v. Premier*, 142 U.S. 1562 (2022) which prohibited emotional distress damages under various statutes including the Affordable Care Act, the Rehabilitation Act, the Americans with Disabilities Act, Title IX of the Education Amendments of 1972.
- Public Act 103-0094. Requires the Department of Insurance to study whether disability insurance policies place restrictions on the coverage of mental disabilities which do not apply to other disabilities

5

Crisis Response—The New “988” System

- Federal mandate replaces the old 10-digit Suicide Prevention Hotline with a new nation-wide “988” number effective July 2022.
- Federal start-up funds provided to each state.
- The full 988 system includes three pieces:
 - A number to call—988
 - A person to send—trained non-police responders
 - A place to go—alternatives to hospitals and jails
- Under the old system more that 80% of Illinois calls were handled out of state. Now more than 80% are handles in Illinois
- Ongoing state funding and infrastructure needed to fully implement all three parts of the system

6

Crisis Response--CESSA

- Public Act 102-0580 creates Community Emergency Supports and Services Act effective January 1, 2022.
- Goal: to have police dispatchers send non-police responders to mental health emergencies whenever possible.
- Requires regional groups to create implementation plans for each region.
- Allows police to be sent when non-police responders are not available or not appropriate due to likelihood of danger.
- Prohibits non-police responders from participating in involuntary commitment if that intervention becomes necessary.

7

7

Crisis Response Legislation

- Public Act 102-699. Over 500-page bill includes provisions to create a "988" trust fund for money to operate the new federally-mandated crisis response system.
- Public Act 103-0105:
 - creates the "988 Suicide and Crisis Lifeline Workgroup Act" Task Force to:
 - oversee implementation of the new "988" system.
 - Create an action plan to implement and monitor the 988 system
 - makes various changes to the Community Emergency Services and Support Act including delaying the effectiveness of many provisions

8

8

Crisis Response (continued)

- Public Act 103-0337: "The Strengthening and Transforming Behavioral Health Crisis Care in Illinois Act." requires the Department of Human Services to:
 - conduct a cost study for implementing the three-part "988" system
 - a number to call
 - a person to send
 - a place to go
 - identify sources of funding for the 988 system
 - coordinate with other state agencies
 - Determine the appropriate role of "engagement specialists" in crisis response

9

9

Youth Mental Health Issues

- Public Act 102-899. Various amendments to strengthen and expand the Children’s Mental Health Act of 2003.
- Public Act 102-1034. Requires health education in elementary and secondary schools to include where to find mental health services.
- Public Act 102-898. Creates the Holistic Mental Health Care for Youth in Care Task Force to ensure periodic mental health assessments for those in the custody of the Department of Children and Family Services.
- House Bill 1294 (passed House; failed to pass Senate— dead for this session) Creates standards and procedures for responding to juveniles who may be unfit to stand trial.
- SB1709 (Passed both chambers) Requires the Department of Human Services to provide technical assistance to the Department of Education to facilitate mental health services in schools.

10

10

Youth Mental Health (continued)

- Public Act 103-0546: Creates the Interagency Children’s Behavioral Health Services Act which:
- Creates a Children’s Behavioral Health Transformation Officer
 - Creates a Children’s Behavioral Health Services Team
 - Requires the Departments of Children and Family Services, Human Services, Healthcare and Family Services, Juvenile Justice and Public Health and the State Board of Education to enter into an interagency agreement to respond to those youth who are in need of residential or crisis care.

11

11

Changes to State Hospitals

- Public Act 102-913: “Mental Health Facility Access Act” creates a task force to re-balance state hospitals to ensure that the persons most in need of inpatient care are those kept in such facilities.
- Requires the state to create a plan to discharge those not in need of inpatient care in order to make room for persons in jails and in the community.
 - Requires periodic review of insanity acquittees continued need for hospitalization
 - Requires staff treating forensic patients to have training on standards and procedures for release and other rights of patients and obtain certification related to their training
- Planning group released plan in September.

12

12

Staffing Issues

- Public Act 102-1089. Creates the "Human Services Professional Loan Repayment Act."
- Public Act 102-1053. Creates the "Ensuring a More Qualified, Competent and Diverse Behavioral Health Workforce Act" to provide grants to encourage people to pursue careers in behavioral health.
- Public Act 103-0433. Amends the Social Work Practice Act to allow alternatives to exam as requisite to licensing social workers.
- Public Act 103-0056. Amends the Community Behavioral Healthcare Professional Loan Repayment Act to provide larger grants and greater eligibility.

13

13

Employment

Public Act 102-1053 creates "The Recovery and Mental Health Tax Credit Act" which gives tax credits to companies hiring persons with mental health conditions.

14

14

Health Insurance

- Public Act 103-0535. "The Mental Health and Wellness Act" requires health insurance companies to cover annual mental health and wellness visit. Requires the Department of Public Health to conduct public education campaign on mental health and the availability to the new wellness benefits.

15

15

Medicaid

- Public Act 103-0243. Requires Medicaid managed care providers to cover behavioral telehealth services.

16

16

Resources

- The full text of Public Acts enacted in 2022 may be found at: <https://www.ilga.gov/legislation/publicacts/default.asp?GA=102>
- The full text of Public Acts enacted in 2023 may be found at: <https://www.ilga.gov/legislation/publicacts/default.asp>
- Information about current and past Illinois mental health legislation may be found at: <https://mentalhealthsummit.wordpress.com/pending-mental-health-legislation/>
- A detailed summary of the 2021 SAFE-T Act may be found at: <https://icjia.illinois.gov/researchhub/articles/the-2021-safe-t-act-icjia-roles-and-responsibilities>

17

17
